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TITLE 68 INDIANA GAMING COMMISSION

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## Final Rule

LSA Document #12-55(F)

## DIGEST

Amends [68 IAC 1-3-1](#) concerning applicability and obsolete terminology. Amends [68 IAC 1-3-2](#) concerning reports on economic development payments. Adds [68 IAC 1-3-4](#) concerning methods of payment. Adds [68 IAC 1-3-5](#) concerning a duty to notify the commission regarding changes to bank account information, bylaws, or conflict of interest statements. Adds [68 IAC 1-3-6](#) concerning deviations. Makes numerous technical changes. Repeals [68 IAC 1-3-3](#). Effective 30 days after filing with the Publisher.

[68 IAC 1-3-1](#); [68 IAC 1-3-2](#); [68 IAC 1-3-3](#); [68 IAC 1-3-4](#); [68 IAC 1-3-5](#); [68 IAC 1-3-6](#)

SECTION 1. [68 IAC 1-3-1](#) IS AMENDED TO READ AS FOLLOWS:

**Rule 3. Economic Development Payments****[68 IAC 1-3-1](#) Applicability****Authority:** [IC 4-33-4](#)**Affected:** [IC 4-33-23](#)

Sec. 1. ~~(a) This rule applies to each riverboat licensee or riverboat license applicant.~~ **development providers, specified recipients, unspecified recipients, and parties to a development agreement.**

(b) The following definitions apply throughout this rule:

(1) ~~"Economic development" means incentives, enhancements, and other proposals made by an applicant for a riverboat owner's license that were made a condition of licensure by the commission or were made a condition of the issuance of a certificate of suitability.~~

(2) ~~"Riverboat license applicant" means an applicant for a riverboat owner's license that has been issued a certificate of suitability under [68 IAC 2-1-5](#).~~

*(Indiana Gaming Commission; [68 IAC 1-3-1](#); filed Jun 23, 1995, 2:30 p.m.: 18 IR 2648; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: [20071003-IR-068070354RFA](#); filed Nov 21, 2012, 7:09 a.m.: [20121219-IR-068120055FRA](#))*

SECTION 2. [68 IAC 1-3-2](#) IS AMENDED TO READ AS FOLLOWS:

**[68 IAC 1-3-2](#) Reports****Authority:** [IC 4-33-4](#)**Affected:** [IC 4-33-23-10](#)

Sec. 2. ~~Each riverboat licensee or riverboat license applicant~~ **(a) Development providers and specified recipients** shall report, in a manner determined by the executive director ~~or the executive director's designee,~~ upon the status of all economic development activities ~~which the riverboat licensee or riverboat license applicant agreed to perform as a condition of licensure or issuance of a certificate of suitability.~~ **payments.**

**(b) A development provider or specified recipient that submits a report to the commission under [IC 4-33-23-10](#) shall submit the report:**

- (1) on a calendar year basis;**
- (2) no later than March 1 of the year following the calendar year that the report covers;**
- (3) on a form provided by the commission;**
- (4) in electronic form and in original; and**
- (5) to the executive director.**

(c) Development providers and specified recipients shall produce additional reports upon request of the commission, the executive director, or the executive director's designee.

(d) An unspecified recipient is not required to submit a report under [IC 4-33-23](#) unless otherwise required by the commission or executive director.

(e) Upon request of the commission, the executive director, or the executive director's designee, a party not otherwise required to submit a report shall submit a report concerning economic development payments in a manner prescribed by the executive director.

*(Indiana Gaming Commission; [68 IAC 1-3-2](#); filed Jun 23, 1995, 2:30 p.m.: 18 IR 2648; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; readopted filed Sep 14, 2007, 1:40 p.m.: [20071003-IR-068070354RFA](#); filed Nov 21, 2012, 7:09 a.m.: [20121219-IR-068120055FRA](#))*

SECTION 3. [68 IAC 1-3-4](#) IS ADDED TO READ AS FOLLOWS:

**[68 IAC 1-3-4](#) Method of payment**

Authority: [IC 4-33-4](#)

Affected: [IC 4-33-23-13](#)

Sec. 4. Economic development payments from a development provider to a party or a specified recipient may be made via direct deposit or other electronic funds transfer method, directly from the development provider's account into the separate and segregated bank account required by [IC 4-33-23-13](#).

*(Indiana Gaming Commission; [68 IAC 1-3-4](#); filed Nov 21, 2012, 7:09 a.m.: [20121219-IR-068120055FRA](#))*

SECTION 4. [68 IAC 1-3-5](#) IS ADDED TO READ AS FOLLOWS:

**[68 IAC 1-3-5](#) Duty to notify**

Authority: [IC 4-33-4](#)

Affected: [IC 4-33-23-14](#)

Sec. 5. (a) Specified recipients and parties that are not development providers shall submit to the commission a report containing the following:

- (1) The name and address of the bank that holds the separate and segregated bank account required by [IC 4-33-23-14](#).
- (2) The account number of the separate and segregated bank account required by [IC 4-33-23-14](#).
- (3) A list of persons with signature authority on the separate and segregated bank account.

(b) Specified recipients and parties that are not development providers are under a continuing duty to notify the commission of a change in the information required by subsection (a) within thirty (30) days of the change.

(c) A nonprofit has a continuing duty to notify the commission of changes in its conflict of interest statement or its bylaws within thirty (30) days of the change.

*(Indiana Gaming Commission; [68 IAC 1-3-5](#); filed Nov 21, 2012, 7:09 a.m.: [20121219-IR-068120055FRA](#))*

SECTION 5. [68 IAC 1-3-6](#) IS ADDED TO READ AS FOLLOWS:

**[68 IAC 1-3-6](#) Deviation from provisions**

Authority: [IC 4-33-4](#)

**Sec. 6. (a)** The executive director or the commission may approve deviations from the provisions of this rule if the executive director or the commission determines that the:

- (1) procedure or requirement is impractical or burdensome; and
- (2) alternative means of satisfying the procedure or requirement:
  - (A) fulfill the purpose of the rule;
  - (B) are in the best interest of the public and the gaming industry in Indiana; and
  - (C) do not violate [IC 4-33](#).

**(b)** If a development provider, specified recipient, unspecified recipient, or party to a development agreement wishes to request a deviation from the provisions of this rule or [IC 4-33-23](#), they shall do so in writing.

*(Indiana Gaming Commission; [68 IAC 1-3-6](#); filed Nov 21, 2012, 7:09 a.m.: [20121219-IR-068120055FRA](#))*

SECTION 6. [68 IAC 1-3-3](#) IS REPEALED.

*LSA Document #12-55(F)*

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*Proposed Rule: [20120718-IR-068120055PRA](#)*

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